

REMARKS

The Office Action of September 22, 2004 has been reviewed and comments of the PTO carefully considered. The specification has been amended to further clearly identify the related patent applications. Previous claims 1-23 are renumbered as suggested by the Examiner, are now claims 1-22. Claims 9-10 are canceled. Claims 1-8 and 11-22 are pending in this application. Claims 1, 11-22 are amended. Reconsideration and further examination is respectfully requested.

Claims 1, 12 and 17 have been amended to specify that the plurality of electronic displays are mounted on a vehicle having a global positioning system (GPS), and the method of individually selecting which message to show on the plurality electronic displays includes step of determining the geographical coordinates and current time of the vehicle by the GPS system. This amendment is supported by the various figures and the specification on, for example, page 26, the second paragraph.

[i]n the embodiment shown in FIG. 1 each of the mobile units 104 includes a controller 140; a first and second separately controllable display 142 and 144, respectively; a global positioning system ("GPS") 146, a speed sensor 148 capable of determining the speed of the mobile unit; a destination input device 150, such as a keyboard, enabling a user of the mobile unit to input information defining a desired destination for the mobile unit; and a wireless system 152 which includes a transmitter 154 and a receiver 156 communicating with the central system 102. The controller can be a relatively powerful computer system capable of running a major operating system, such as Microsoft's Windows or Windows NT, Unix, or Linux, as smaller computer capable of running smaller operating systems such as those which are often used with embedded controllers.

Claim Rejections – Section 102:

Claims 1, 12, 13, and 14 are rejected under 35 U.S.C 102(a) as being anticipated by Moraes (US 6,014,502). Such rejections are respectfully traversed.

The Examiner has indicated that Moraes discloses a computerized method of individually selecting which messages to show on each of one or more electronic displays, in a manner which reads on the claimed invention of the present application. See Office Action, p. 3-4, referring to Col. 5, lines 13-18, Col. 19, lines 9-50, Col. 20, lines 45-55. However, applicants' invention is not disclosed in Moraes as suggested.

Moraes discloses an electronic mail system that displays targeted advertisements. Col. 3, lines 5-6. The electronic mail system of Moraes allows computer users to view advertisements while receiving and composing personal electronic mails. Col. 3, lines 6-10. The advertisements are displayed on personal computer monitor, and intended to show to a single viewer at each time. Col. 4, lines 4-8. In Moraes, the advertisements are selected to show to the computer user - the viewer - based on the information collected from the computer user's member portfolio. Col. 9, lines 1-4. This is not the invention set forth in applicants' claimed disclosure.

The present invention discloses a method for individually selecting messages to show on a plurality of electronic displays mounted on a vehicle having a GPS system operably connected to the vehicle.

Applicants' invention as described in claim 1 includes the steps of determining the geographical coordinates and current time of the vehicle by the GPS system, which in turn determines the location and current time of the electronic displays, as a function of a desired number of exposures of the messages to be made at the vehicle's location

Moraes does not disclose any use of a GPS system, much less does it disclose the using of the GPS system to determine the geographical coordinates and current time of the vehicles and the location and current time of the electronic displays by the on-board GPS systems as a function of a desired number of exposures of such messages to be made. Thus, Moraes patent cannot render claim 1 anticipated.

The present invention as defined in claim 12 describes that, among other features, for each of different individual opportunities to show a message on a given display at a given time, determining a corresponding estimate of the number of one or more different types of people available to see a message shown in that display opportunity.

In Moraes, the advertisements are displayed on personal computer monitors, and intended to show only to a single viewer at each time. Col. 4, lines 4-8. Advertisements are selected to show at a given opportunity based on the information previously collected in the user's member portfolio. Col. 9, lines 1-4. Moraes does not disclose that the number of people available to see a message shown in each display opportunity impacts the decision on which advertisement to show. Thus, Moraes patent cannot render claim 12 nor any of the cited dependent claims anticipated.

Claims 17 is rejected under 35 U.S.C 102(a) as being anticipated by Hagebarth (US 6,546,086). Such rejection is respectfully traversed.

The Examiner has indicated that Hagebarth discloses a computerized method of individually selecting which messages to show on each of one or more electronic displays having

different physical location, in a manner which reads on the claimed invention of the present application. See Office Action, p. 6, referring to Col. 3, lines 40-55. However, applicants respectfully disagree with this conclusion. Hagebarth does not disclose the claimed invention as suggested.

Hagebarth discloses a process for placing and reading a voice advertisement that is achieved by dialing a specified number of a service computer in telecommunications network, then selecting a desired category of an advertisement (i.e. by geographical area), and input advertising copy from an advertisement memory to the selected category. Col.1, lines 5-7, Col. 2, line 1-7, Col. 3, lines 42-45. Advertisements are indexed by geographical area. When the advertisements are called up, those voice advertisements that are assigned to the selected geographical area are read to the interested person. Col. 3, lines 45-50.

The present invention as defined in claim 17 describes a method of selecting which messages to show on a plurality of electronic displays mounted on a vehicle having a GPS system operably connected to the vehicle, the method includes the steps of sensing the geographical coordinates and current time of the vehicle by the GPS system, which in turn determines the location and current time of the electronic displays.

With the process according to Hagebarth, the advertisements appear neither in printed form in printed media nor in electronic form. Rather, the advertisements are available as voice messages on the service computer of a network. Col. 2, lines 8-13. The system and method disclosed in Hagebarth does not involve electronic displays, much less does it disclose the particular method for selecting which message to show on the electronic displays as claimed

in the present application. In addition, Hagebarth does not disclose sensing the geographical location of the electronic displays by an on-board GPS system.

Thus, Hagebarth patent cannot render claim 17 anticipated. Applicants therefore respectfully request that such rejection be withdrawn.

II. Claim Rejections – Section 103:

Claims 2, 15 and 16 are rejected under 35 U.S.C 103 (a) as being unpatentable over Moraes in view of Litwin (U.S. 2002/0174012). This ground of rejection is traversed.

The Examiner states that the Moraes primary reference teaches the claimed computerized method, and that Litwin teaches advertisement electronic display is a publicly visible display. Applicants respectfully disagree with this conclusion.

Applicants maintain that there is no reason to combine the Moraes and Litwin. The references contain inconsistent disclosures that preclude a skilled person in this art from having the requisite motivation to combine the applied references. When the references are combined, one can not arrive at the present invention.

Moraes discloses an electronic mail system that allows computer users to view advertisements on the monitors of their personal computers while receiving and composing personal electronic mails. Col. 3, lines 5-6, Col. 3, lines 6-10, Col. 4, lines 4-8. In Moraes, the advertisements are selected to show to the computer user - the viewer - based on the information

collected from the computer user's member portfolio. Col. 9, lines 1-4. It is respectfully submitted that Moraes does not disclose or teach the claimed invention.

Litwin discloses an advertising system for providing rebates to individuals who affix bumper sticker on their vehicles. Paragraph 28. Litwin does not disclose any electronic display. Applicants do not contest the general characteristic of bumper stickers as publicly visible signs. However, bumper stickers are naturally small in size with very limited visibility from distance, and have very poor visibility in low light environment. The advertisement printed on the stickers are fixed and do not change in response to the surroundings, i.e. the variable number of people having an opportunity to see the sign at each given location and time.

The present invention discloses a method for individually selecting messages to show on an electronic display mounted on a vehicle. The messages that are shown on the electronic display change from time to time. The messages are visible from a far distance and can be seen even at night time.

The Examiner further states that Litwin teaches determining a temporary location of the vehicle as it moves. However, in Litwin, the vehicle's location is detected via a detector means installed at a commercial entity such as a gas station. Paragraph 27. A vehicle can drive into a gas station, wherein a scanner at the gas pump identifies the presence of a bumper sticker advertisement. Paragraph 29. Litwin does not teach or suggest the method of determining the vehicle's geographical coordinates and current time by an on-board GPS system as claimed in the present invention.

Therefore claims 2, 15 and 16 should be considered as patentably distinguishing over the art not only because it depends on the presumably allowable claims 1 and 14, but also because it contains patentable subject matter per se.

Claim 18 is rejected under 35 U.S.C 103 (a) as being unpatentable over Hagebarth (U.S. 6,014,502) in view of Litwin (U.S. 2002/0174012). This ground of rejection is traversed.

The Examiner states that the Hagebarth primary reference teaches the method of claim 17, and that Litwin teaches advertisement electronic display is a publicly visible display. See Office Action, p. 8, referring to paragraphs 28 and 60. Applicants respectfully disagree with this conclusion.

Applicants maintain that there is no reason to combine the cited references. The references contain inconsistent disclosures that preclude a skilled person in this art from having the requisite motivation to combine the applied references, and even when the references are combined, one can not arrive at the present invention.

As previously addressed, Hagebarth discloses a process for placing and reading a voice advertisement that is achieved by dialing a specified number of a service computer in telecommunications network, then selecting a desired category of an advertisement (i.e. by geographical area), and input advertising copy from an advertisement memory to the selected category. Col.1, lines 5-7, Col. 2, line 1-7, Col. 3, lines 42-45. The system and method disclosed in Hagebarth does not even involve electronic displays, much less does it disclose the particular

method for selecting which message to show on the electronic displays as claimed in the present application.

Furthermore, it is improper to combine references where the references teach away from their combination. Hagebarth teaches away from the present invention since it purposely avoids using any advertisements in printed form or in electronic form. Col. 2, line2, 11-14.

Litwin discloses an advertising system for providing rebates to individuals who affix bumper sticker on their vehicles. Paragraph 28. Litwin does not disclose or teach any electronic displays.

It is therefore believed that claim18 should be considered as patentably distinguishing over the art and should be allowed.

Claims 19-22 are rejected under 35 U.S.C 103 (a) as being unpatentable over Hagebarth (U.S. 6,014,502) in view of Litwin (U.S. 2002/0174012) further in view of Moraes (U.S. 6,014,502). Claim 11 is rejected under 35 U.S.C 103 (a) as being unpatentable over Moraes (U.S. 6,014,502) in view of Hagebarth (U.S. 6,014,502) further in view of Litwin (U.S. 2002/0174012). This ground of rejection is traversed. These grounds of rejection are traversed.

The Examiner states that Hagebarth and Litwin teach a computerized method as in Claim 18, and Litwin teaches the given displays is a publicly visible display mounted on a vehicle. Applicants respectfully disagree with this conclusion for the reasons that have been addressed in the immediate previous section of the discussion and will not be repeated here.

In Litwin, the vehicle's location is detected via a detector means installed at a commercial entity such as a gas station. Paragraph 27. Litwin does not teach or suggest the method of determining the vehicle's geographical coordinates and current time by an on-board GPS system as claimed in the present invention.

The examiner further relies on Moraes for teaching the remaining aspects of the method as claimed in the present invention, including steps of accessing a demographic database containing information on the number of people of one or more types available to view a showing of a message at each of a plurality of different locations, so as to determine an estimate of the number of people of one or more types available to view a showing of a message as a function of the vehicle's temporary location. See Office Action, p. 10, referring to Col. 19, lines 9-38 and Col. 20, lines 34-56). However, applicants' invention is not disclosed in Moraes as suggested.

In Moraes, the advertisements are displayed on personal computer monitors, and they are intended to show only to a single viewer at each time. Col. 4, lines 4-8. The advertisements are selected to show at a given opportunity based on the information collected from the user's member portfolio. Col. 9, lines 1-4. Moraes does not disclose that the number of people available to see a message shown in each display opportunity impacts the decision on which advertisement to show.

It is therefore believed that claims 11, 19-22 should be considered as patentably distinguishing over the art and should be allowed.

Claims 3, 4 and 8 are rejected under 35 U.S.C 103 (a) as being unpatentable over Moraes (U.S. 6,014,502) in view of Hoyle (U.S. 6,771,290). Claims 5 and 6 are rejected under 35 U.S.C 103 (a) as being unpatentable over Moraes (U.S. 6,014,502) in view of Hoyle (U.S. 6,771,290) further in view of Hagebarth (U.S. 6,546,086). These grounds of rejection are traversed.

Applicants' invention as described in Claim 3 and its dependent claims comprises, among other features that the number of exposures used in calculating the desired display rate for a given message is a function, not only of the number of showings of the given message on one or more individual displays, but also of the variable number of people estimated to have had an opportunity to see each such showing of the given message.

However, while Hoyle discloses displaying advertising base on its relevance to the activity of user, the Examiner has impermissibly relied on hindsight vision to include the Hoyle reference that is neither in the field of applicants' endeavor nor reasonably pertinent to the particular problem with which said applicants are concerned.

It is important to note that both Moraes and Hoyle are related to distributing and displaying advertisements on personal computer monitor over a network. The features in the Moraes patent and Hoyle patent are not pertinent to the problem addressed by the applicants' invention. In particular, these systems are not in the field of externally-mounted electronic displays that are observable by an unlimited amount of viewers within an unspecified proximity to the display-carrying automotive vehicle, much less are they related to field of individually selecting messages to show on a plurality of electronic displays mounted on a plurality of

vehicles, wherein the plurality vehicles each having a GPS system operably connected to the vehicle.

Due to the nature of their inventions, the targeted viewer in both Moraes and Hoyle are individual computer user. Neither Moraes nor Hoyle discloses that the number of people available to see a message shown in each display opportunity impacts the decision on which advertisement to show.

It is therefore believed that claims 3-6 and 8 should be considered as patentably distinguishing over the art and should be allowed.

Claim 7 is rejected under 35 U.S.C 103 (a) as being unpatentable over Moraes (U.S. 6,014,502) in view of Hoyle (U.S. 6,771,290) further in view of Litwin (U.S. 2002/0174012). This ground of rejection is traversed.

The Examiner states that Moraes and Hoyle teach a computerized method as in claim 3, and Litwin teaches an advertisement electronic display is a publicly visible display. However, applicants respectfully disagree with this conclusion.

It is respectfully submitted that Moraes and Hoyle do not disclose or teach the claimed invention, for the reasons that have been addressed by the Applicants in the previous section of the discussion and will not be repeated here.

Litwin discloses an advertising system for providing rebates to individuals who affix bumper sticker on their vehicles. Paragraph 28. Litwin does not disclose any electronic display. Applicants do not contest the general characteristic of bumper stickers as publicly

visible signs. However, bumper stickers are naturally small in size with very limited visibility from distance, and have very poor visibility in low light environment. The advertisement printed on the stickers are fixed and do not change in response to the surroundings, i.e. the variable number of people having an opportunity to see the sign at each given location and time.

The present invention discloses a method for individually selecting messages to show on an electronic display mounted on a vehicle. The messages are visible from a far distance and can be seen even at night time. The messages that are shown on the electronic display change from time to time in response to the surroundings.

It is therefore believed that claim 7 should be considered as patentably distinguishing over the art and should be allowed.

Conclusion:

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Yan Lan, Applicants' Agent at (202) 842-1223, so that such issues may be resolved as expeditiously as possible.

For the foregoing reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

Frederick C. Williams
Frederick C. Williams
Attorney for Applicants
Reg. No. 36969

Jan. 19, 2005
Date

Yan Lan
Yan Lan
Agent for Applicants
Reg. No. 50,214

Customer Number 40320
Burns & Levinson LLP
1030 Fifteenth Street, N.W.
Suite 300
Washington, DC 20005-1501
Tel. (202) 842-0431
Fax: (202) 467-4045